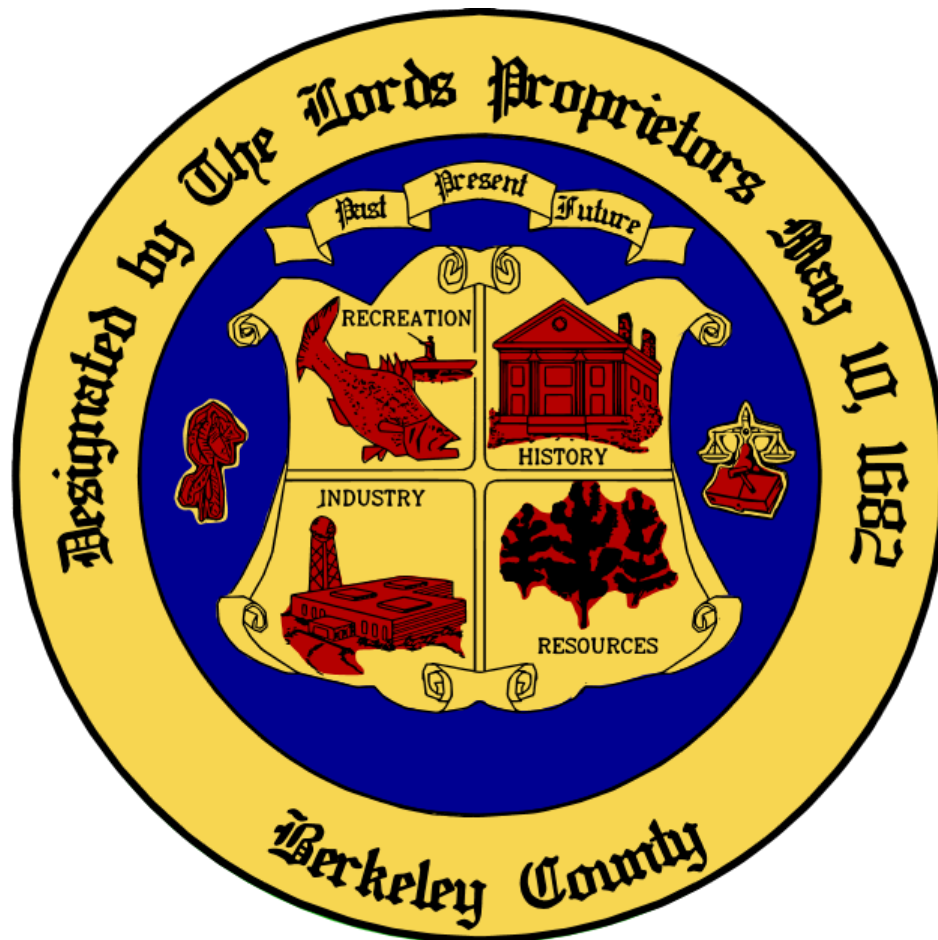


Berkeley County Council

Organizational and Parliamentary Procedure Rules

2015-2016



Rule 1. Short Title.

This document may be cited as the Berkeley County Organizational and Parliamentary Procedure Rules.

Rule 2. Applicability; Deviation from Rules.

The County Council shall determine its own rules and order of business (§ 4-9-110) and these rules shall govern Council unless suspended or amended by a vote of Council (Rule 17-3 & 26) or deemed in conflict with federal or state law by ruling or order of a competent court of jurisdiction. These Rules shall apply to all meetings of County Council, including Committee meetings. As used in these Rules, the term "Meeting" means the convening of a quorum of the membership of County Council to discuss or act upon a matter over which County Council has supervision, control, jurisdiction or advisory power; the term "Quorum" means a simple majority of the membership of County Council, or Committee of County Council.

These Rules were adopted as guidelines to assist County Council, in conducting orderly and productive meetings. Any deviation from or waiver of these Rules shall not affect or void any action taken by County Council. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties, not otherwise imposed by law.

Rule 3. Model Rules of Parliamentary Procedure for South Carolina Counties and Robert's Rules of Order Newly Revised (current edition) to Govern Other Cases.

County Council shall refer to the comment sections contained within *Model Rules of Parliamentary Procedure for South Carolina Counties* as the primary resource in determining the intent and meaning of these Rules. In all cases not covered by these Rules, County Council shall be governed by such Rules as are set out in the current edition of *Robert's Rules of Order Newly Revised*. Provided, however, that state and federal law shall take precedence over these Rules in all cases. Whenever possible, these Rules should be interpreted to conform to state and federal law; if an irreconcilable difference occurs, only the portion of the Rule or Rules directly in conflict with state or federal law is to be overruled, the remaining portions surviving.

Rule 3.1. Role of the Individual Council Member.

County Council is a policy-making, legislative body. It provides a vision for the County, oversight and provides guidelines to County administration regarding how the County is to be run. County Council Members have authority only when acting to form a majority or super-majority if issue requires, and have no individual authority over County operations. Except for the purposes of inquiries and official investigations, neither the council nor its members shall give direct orders to any county officer or employee, either publicly or privately.

Rule 3.2. Role, Duties and Power of the County Supervisor.

The powers and duties of the Supervisor shall include, but not be limited to, the following (§ 4-9-420):

1. execute the policies and legislative actions of the Council;
2. supervise the expenditure of funds appropriated by Council;
3. prepare annual operating and capital improvement budgets for submission to the Council;
4. serve as the chief administrative officer of the County government;
5. direct and coordinate operational agencies and administrative activities of the County government;
6. prepare annual, monthly and other reports for Council on finances and administrative activities;
7. recommend measures for adoption;
8. serve as presiding officer of the Council, voting only to break Council tie votes;
9. serve as official spokesman for the Council with respect to Council's policies and programs;
10. inspect books, accounts, records, or documents pertaining to the property, money or County assets;
11. be responsible for the administration of County personnel policies approved by the Council including salary and classification plans;

12. be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4930 and subject to the appropriation of funds by the Council for that purpose.

With the exception of organizational policies established by the governing body, the County Supervisor shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by general law of the State (§ 4-9-430).

The compensation for the Supervisor shall be prescribed by the Council by ordinance. The Council shall not reduce or increase the compensation of the Supervisor during the term of office for which he was elected (§ 4-9-410).

Rule 4. Meetings, Notice.

County Council shall meet at least once monthly, but may meet more frequently provided that public notice, as described herein, is provided. Written public notice shall be given for all regularly scheduled meetings at the beginning of each calendar year. Notice must include the dates, times and places of the meetings.

Public notice of each called, special or rescheduled meeting must be posted on a bulletin board at the meeting place for County Council or other suitable place and on the Berkeley County website, as early as practicable, but not less than twenty-four hours prior to each meeting. The notice must include the agenda and the date, time, place of the meeting and whether or not electronic participation by members has been approved. The twenty-four hour requirement for posting notice does not apply for emergency meetings.

All persons, organizations, and news media requesting notification of County Council meetings shall be notified of the times and places, and given copies of the agenda for all meetings, whether scheduled, rescheduled or called. Efforts made to comply with this notice requirement shall be noted in the minutes.

Special meetings may be called by the Chairman or by the majority of Council or Committee Members, provided that the notice requirements are met. The call (or calls, if submitted separately) can be submitted by way of email or in writing and shall be addressed to the Chairman with a copy sent to the Clerk to Council. Written calls shall be signed by the members calling the special meeting and facsimile submissions are acceptable. The call or calls shall set forth the date, time, and purpose of the special meeting. No special meetings shall be held unless all Council Members and the public are provided 24 hours written notice of the date, time, and purpose of the meeting.

Council or Committee meetings, whether scheduled, rescheduled or called by the Chairman may be canceled or rescheduled by their respective Chairman or by a majority of Council or Committee Members, provided that the requirements for at least one meeting per month for County Council and one meeting per quarter for standing Committees are met. A Council or Committee meeting called by a majority of its members can only be cancelled by a majority of the respective Council or Committee Members. A cancellation of Meeting notice requirements apply to Committee meetings as well as meetings of the full Council (§ 4-9-110).

Rule 4.1. Council Workshops.

A Workshop shall be defined as a special meeting of council or standing committee for the purpose of providing information and education to Council Members and the public on a specific topic. Workshops are generally held in a less restrictive meeting format in order to promote open dialog and the free exchange of ideas among Council Members. Workshops are for informational purposes only and no action shall be taken.

Rule 4.2. Organizational Meeting.

An organizational meeting of Council shall be held on the first Monday of January, provided however that if the first Monday of January is a County holiday, the organizational meeting shall be held on the day after. The organizational meeting shall be scheduled following each General Election (once every two years). The agenda items shall include but are not limited to:

1. Election of Vice-Chairman;
2. Name and scope of responsibilities of standing Committees;
3. Approve annual schedule of Council and Committee meetings;
4. Assignment of Committee Chairmanships; and
5. Adoption of Berkeley County Organizational and Parliamentary Procedure Rules.

Should Council take no action on Rules by the Fourth Monday in January following a General Election, these Rules shall remain in full force and effect unless they are amended pursuant to Rule 26.

Rule 4.3. Location, Starting Time and Electronic Participation.

All meetings of County Council or of Standing Committees, whether scheduled, rescheduled or called, shall take place in Council chambers with members seated at their assigned seats. The first meeting scheduled for the evening, whether a Council meeting or Committee meeting shall commence no earlier than 6:30PM. Members must be physically in attendance in order to vote or participate. **The location for executive sessions can occur at alternative or adjacent meeting rooms to ensure confidentiality.**

A change of meeting location and/or starting time that differs from that stated above and/or the allowance of a member or members to attend by electronic means (e.g. telephonic, video or voice conference) shall be permitted with a written or email request by a positive majority of Council Members sent to the Clerk to Council prior to the notice of the meeting. If a member or members are permitted to attend by way of electronic means it shall be noted on meeting notice, agenda and minutes.

Rule 4.4. Attendance.

If a Council Member must be absent from any meeting, the Council Member shall inform the Clerk to Council before the start of the meeting. Failure to inform the Clerk shall result in that Council Member being recorded as absent from the meeting. If the Council Member informs the Clerk to Council before the start of the meeting, the absence shall be recorded as excused. Excessive absenteeism by any member shall be reviewed by Council on a case-by-case basis. Council reserves its right to take any action it deems appropriate at that time.

Rule 4.5. Conduct of Meetings.

1. Meeting to be Opened with Prayer and the Pledge.

The initial meeting of the evening whether it is a Council or Committee meeting shall be opened with a prayer, immediately followed by the Pledge of Allegiance to the Flag of the United States of America.

2. Notice Inquiry.

Prior to commencing of any business, the Chairman shall inquire of the Clerk as to whether the meeting has been properly noticed in compliance with the South Carolina Freedom of Information Act.

3. Public Participation Period.

Any member of the public attending a regular or special Council meeting shall have the opportunity to address Council Members. Public comments may be received by Council immediately following the approval of minutes and may concern any topic related to County government. Public comments may also be received after the Council meeting has been adjourned. The public participation periods shall be limited to thirty minutes each. Each speaker shall be limited to no more than four minutes. If there are more than six speakers, the remaining speakers shall speak at the public participation period after the meeting has adjourned. No speaker may yield his/her allotted time to another speaker. Members of the public who wish to address Council during the public participation period should sign up with the Clerk to Council before the meeting is called to

order by the Chairman. Preference shall be given to those who have notified the Clerk in advance of their desire to speak. When there are several members of the public present to address the same issue, it is recommended that one spokesperson be chosen on behalf of the group. No person shall be allowed to use language personally offensive, charge deliberate misrepresentation, or use language tending to hold a Council Member, a member of the County staff, or a member of the public up to contempt or ridicule.

6. Chairman's Time.

The Chairman shall be permitted time during the meeting to address the members and the public provided that the Chairman's Time including the topic to be discussed is placed on the agenda and the duration of the address is kept to a minimum.

7. Substitutions in the Chairmanship.

The Chairman, in the absence of the Vice-Chairman, or the Vice-Chairman, when he or she is presiding, may name a member to fill his or her place during an occasional absence from the chairmanship, but such substitution shall not extend beyond an adjournment. In the absence of the Chairman and Vice-Chairman, the Council or the Committee shall elect an acting Chairman to serve until the return of the Chairman or the Vice-Chairman. An acting Chairman is entitled to cast his or her vote as a Council Member or Committee Member.

8. Decorum in Speaking.

Every member, when about to speak, shall first address "Mr. or Madam Chairman", and, in speaking, shall be truthful and avoid disrespect to the Council and any personalities; and shall confine discussion to the question under consideration.

9. Matters not Within the Council's Jurisdiction.

No matter shall be entered on the agenda or heard by the Council unless it is within the Council's authority or jurisdiction; provided, the Council may entertain requests that it make recommendations or inquiries to other governmental bodies, departments or agencies.

Rule 4.6. Recording and Broadcasting of Meetings.

1. County Council should make every effort to video record all Council and Council Committee meetings that are open to the public and to make that video available on the internet and to local cable providers for broadcast on public access channels as soon as practicable.
2. So long as it does not disrupt the conduct of the meeting, members of the public and the media shall be permitted to film and record Council and Council Committee meetings that are open to the public.
3. Subject to availability, members of the public and the media shall be granted access to the live audio feed for all Council and Council Committee meetings that are open to the public.

Rule 5. Agenda.

Every meeting shall have an agenda. The agenda shall be compiled by the Clerk to Council or such other person as may be designated with the guidance and approval of the Council or Committee Chairman. The agenda shall be posted, pursuant to Rule 4 and as required by the Freedom of Information Act, at least twenty-four hours prior to meetings. Additionally, a copy of the agenda shall be provided as part of the notice given to any person, organization, or news media requesting notification of County Council meetings and a copy shall be posted on the Berkeley County website at least twenty-four hours prior to the meetings.

The agenda shall designate the time, location of the meeting and if electronic participation by members of Council has been approved and the type of meeting to be held: Council session, Committee meeting, public hearing, public comment, workshop or emergency session.

Rule 5.1 Amending the Agenda.

From time to time members of Council may amend the agenda during the meeting with a two-thirds majority vote.

Rule 6. Hearings.

Rule 6.1. Public Hearings.

Public hearings are the method required by the Home Rule Act for County Council to gain input from the public at large. Council Members should refrain from making comments during the public hearing and should neither enter into debate with the public nor with other Council Members during the public hearing. Public hearings are required before final action is taken to:

1. Adopt annual operational and capital budgets;
2. Make appropriations, including supplemental appropriations;
3. Adopt building, housing, electrical, plumbing, gas and all other regulatory codes;
4. Adopt zoning and subdivision regulations;
5. Levy taxes;
6. Sell, lease or contract to sell or lease real property owned by the County;
7. Impose ad valorem property taxes upon a fire service area; or
8. Provide for the distribution of assets following the abolishment of a special purpose district.

Final action for any of the first six matters must be in the form of an ordinance. A minimum of 15 days' notice of the time and place of the hearing must be published in at least one newspaper of general circulation in the County, prior to conducting a public hearing for any of the above categories of ordinances.

Notice for item 7 must be provided once a week for three successive weeks in a paper of general circulation in the County, and the hearing must not occur fewer than 16 days following the first notice. Item 8 requires at least two public hearings with ten days prior notice published in a newspaper of general circulation prior to each meeting.

Following the abolishment of a special purpose district located within the County, two public hearings are required prior to distributing assets and/or refunding taxes.

Rule 6.2. Quasi-Judicial Hearings.

When conducting a quasi-judicial hearing, County Council takes on the role of an impartial trier of fact in a dispute involving the legal rights of one or more parties. In a quasi-judicial hearing, Council Members must be careful to provide basic rights due under state and federal constitutions and statutes. Among these basic rights, which Council must protect, are the right to an attorney, the right to cross examine witnesses and the right to due process. Further, Council Members must base their decisions on the evidence presented at the hearing and must not discuss the case beforehand or be influenced by the opinions of others who are not a part of the proceedings.

Rule 7. Minutes.

Written minutes shall be kept of all meetings; provided however, minutes of executive sessions are not required but may be kept at the discretion of Council. Copies of the minutes of Council shall be kept in perpetuity; whereas copies of any audio or video recordings may be destroyed by the Clerk to Council after twenty-four calendar months. Minutes shall include, at a minimum:

1. Date, time and place of the meeting;
2. Members of Council recorded as either present, present by way of electronic means, excused or absent;
3. Substance of all matters proposed, discussed or decided and a record by member of any votes taken;

4. If any Council Member has a conflict of interest on a matter before Council, that member shall recuse himself or herself and provide a written statement describing the matter and the potential conflict (§ 8-13-700 and Rule 12).
5. Any other information that a Council Member requests to be included or reflected in the minutes.

Minutes are public records and shall be made available within a reasonable time after the meeting not to exceed 90 days, except any information not subject to disclosure under the Freedom of Information Act. Minutes are not subject to disclosure until approved as written by the County Council.

Rule 8. Voting.

The preferred method of voting by County Council is by voice vote, although the Chairman may call for a show of hands or a roll call vote at any time. Any Council Member may demand a show of hands or a roll call vote. The demand is in order before or immediately after the voice vote has been taken, even though the Chairman may have announced the results of the voice vote, whereupon the Clerk shall call the roll by District in numerical order and shall record the votes in the minutes. A Council Member may not explain his or her vote while voting, but may change his or her vote at any time prior to the Chairman's announcing the result. There shall be no further discussion while a vote is taking place.

Rule 8.1. Passage by Majority Vote.

The term "majority" or "simple majority" means more than half of those present and voting. When a two-thirds majority is required, the term "two-thirds majority" means at least two-thirds of those present and voting. The term "positive majority" means a majority of the Council Members, regardless of whether they are present or not.

Except as otherwise provided for in these Rules, or by pertinent state or federal statute, any ordinance, resolution or motion passes if it receives a majority of the votes cast. State and federal statutes and, in some cases, these Rules may require passage by more than a simple majority. The following actions are included in those requiring a super-majority:

Two-thirds Majority:

1. Adoption of an emergency ordinance (§ 4-9-130);
2. Removal of an employee appointed by a County Supervisor (§ 4-9-430); and
3. Sale or transfer of the County library assets for a non-library purpose (§ 4-9-39);

Positive Majority:

1. Impose or increase a business license tax (§ 6-1-315);
2. Override the millage rate increase limitation on property taxes (§ 6-1-320(C));
3. Impose a service or user fee (§ 6-1-330);
4. Impose a local accommodations tax (§ 6-1-520);
5. Impose a local hospitality tax (§ 6-1-720);
6. Impose a developmental impact fee (§ 6-1-930);
7. Defeat of a Motion to Follow the Agenda (Rule 15-5);
8. Passage of Motion to Suspend the Rules (Rule 17-3);
9. Passage of a Motion to Call for the Question [Vote Immediately] (Rule 16-2);
10. Passage of Motion to Amend the Agenda (Rule 5);
11. Passage of Motion to Change the Clerk to Council's Status, Level of Authority or Responsibility (Rule 19-3);
12. Passage of Motion to Bypass Appropriate Committee to Take Item Directly to Council (Rule 9.2);
13. Passage of Motion to Penalize a Member (Rule 25.3);
14. Passage of Motion to Amend the Rules (Rule 26); and
15. Any action not listed above where in Roberts Rules of Order requires a two-thirds majority vote.

Rule 8.2. Voting on Motions.

In the case of debatable motions, the vote can be proposed in one of two ways:

1. If debate has been completed and no other Council Member wishes to speak, the Chairman can call for the vote. If there are no objections, the Chairman can proceed with the vote;
2. If the Chairman calls for the vote and there is an objection, a Council Member may make a Motion to Call for the Question [Vote Immediately]. If this motion is approved by a positive majority vote, debate shall stop. The Chairman shall then read the proposed motion to County Council and ask for the votes of the Council Members.

In the case of non-debatable motions, the vote shall occur immediately after the motion is recognized by the Chairman. The Chairman shall read the proposed motion to County Council and then call for the vote.

Rule 8.3. Majority Vote Required for Passage.

No bill, ordinance, resolution, code, or policy shall be passed or adopted unless at least a simple majority of the Council Members present and voting shall have voted for its approval or passage. Similarly, no amendment to a bill, ordinance, resolution, code, or policy shall be passed unless at least a majority of the members of the Council present and voting shall have voted for its approval or passage. The Clerk shall record the votes as either "yes", "no", "abstain", or "excused". Any member not desiring to express an opinion with either a yes or no vote on a question before Council may signify such desire by abstaining from casting a vote. A Council Member cannot be compelled to cast a vote, though the effect of the abstention is the same as if the Council Member had voted on the prevailing side. The Clerk shall fill in the vote on the appropriate document if the Council Member fails to do so.

1. Recording Votes.

Each Council Member shall record a vote of "yes", "no", or "abstain" when signing the newly passed or approved document. **If the Council Member was not present for the vote of the newly passed or approved document, the Council Member shall not sign or register a vote after the meeting has adjourned.** If the Council Member fails to record his or her vote, the Clerk to Council shall thereafter record the member's vote with the prevailing side or, when appropriate, shall write "excused". A record of all votes taken for each member shall be included in the minutes. If a vote is unanimous, then noting as such in the minutes shall suffice. If the vote is divided then a record of how each member voted on the item shall be delineated in the minutes.

2. Defeated Items Shall Be Rendered as Withdrawn.

If the majority vote is such to defeat any bill or ordinance so considered, the effect shall be to render the bill or ordinance as withdrawn. Further consideration of the matter must begin the process anew with first reading after appropriate introduction except in the case of reconsideration (Rule 18-1).

Rule 8.4. Voting to Elect Boards, Committees and Commissions.

When Council is voting to elect one or more persons to open positions on a board, committee or commission, ballot elections should be used if the number of candidates exceeds the number of positions available. As an alternative to the ballot method, a majority of Council may decide to vote on each nominee individually, taking them up in the order nominated. If the number of vacant positions equals or exceeds the number of candidates available, the Council may dispense with the process under this Rule and appoint by acclamation or similar method.

Once the election process begins, motions are limited to Rule 15 privileged motions (adjourn, recede, raise a question of privilege, convene an executive session, or follow the agenda); to the following Rule 16 subsidiary motions: motion to postpone and motion to commit; and to the Rule 17 incidental motion of the point of order. All other motions are out of order until the election process is completed.

With a ballot election, each Council Member shall vote—on one ballot—for up to as many positions as are open. Each member shall sign or otherwise mark his or her ballot and the minutes shall reflect each member's vote. Members may vote by ballot for someone who was not nominated.

Each ballot is considered one vote cast, and a candidate must receive a majority of votes to be elected. If no candidate receives a majority vote, balloting continues as needed until all positions are filled. If fewer than the proper number of candidates receive a majority vote, those candidates receiving a majority are elected, and balloting continues with all other candidates remaining on the ballot. If more candidates receive a majority vote than there are positions open, those receiving the largest number of votes shall be elected and those receiving a majority, but tied for last of those receiving a majority, shall remain on the ballot for repeat balloting, as needed. If all positions are not filled after the first vote, no candidates shall be involuntarily eliminated.

In cases where the Council does not elect but recommends persons for appointment by the Governor or otherwise, the same procedure as applied to elections shall be followed as to such recommendations.

Rule 9. Ordinances and Resolutions.

County Council shall take action by passing ordinances and resolutions. An ordinance is local legislation passed by the governing body of the County, duly enacted pursuant to proper authority, describing general, uniform and permanent Rules of conduct relating to the corporate affairs of the County. A resolution is an expression of opinion or policy concerning some particular item of business coming within the County Council's official cognizance and often deals with matters of special or temporary character. Resolutions are passed after a single period of debate (or reading) and vote; ordinances require a reading at three public meetings on separate days, with at least seven days between the second and third reading. As used herein, the term "bill" shall be a proposed ordinance which has not received three readings.

Rule 9.1. Approval Prior to Introduction.

Prior to introduction, all ordinances and resolutions shall be submitted to and approved by the County Attorney or individual designated by Council as to form and draftsmanship.

Rule 9.2. All Matters to be Referred to Appropriate Committee.

Except for emergency ordinances or by positive majority vote of Council, Council shall consider no matter prior to its introduction and consideration by the appropriate Committee.

Rule 9.3. Introduction by Title Only.

County Council may introduce an ordinance and give first reading "by title only." When giving first reading by title only, the minutes of the meeting should show that Council believed there was a valid reason for expediting the ordinance and that there was a general understanding by the Council of what the first draft of the ordinance would have said, had it been in writing.

Rule 9.4. Emergency Ordinances.

Emergency ordinances—valid for only sixty days—may be passed after a single reading if a public emergency exists affecting the life, health, safety or property of people. An emergency ordinance is effective immediately upon enactment, without regard to reading, public hearing, publication requirements or public notice requirements. Every emergency ordinance shall be designated as such and shall contain a declaration of the emergency and describe it. Emergency ordinances require a two-thirds majority for passage.

Rule 9.5. Legislation Enacted by Ordinance and Requiring Public Hearing.

Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as set out in Rule 6, prior to passage:

1. adopting annual operational and capital budgets;
2. making appropriations, including supplemental appropriations;

3. adopting building, housing, electrical, plumbing, gas and all other regulatory codes;
4. adopting zoning and subdivision regulations;
5. levying taxes; and
6. selling, leasing or contracting to sell or lease real property owned by the County.

Rule 9.6. Revenue Measures to be Referred to Committee on Finance.

All bills and resolutions levying a tax, incurring indebtedness or otherwise affecting County revenue shall be referred to the Committee on Finance, which shall report thereon before the Council shall vote for their passage.

Rule 9.7. Introduction and Required Readings of Ordinances or Resolutions.

1. Introduction of Bills.

Any Council Member or Committee of Council may introduce a bill for first reading at any meeting of the Council. The Chairman shall refer the proposed ordinance to the appropriate Committee unless it has been introduced by a Committee.

2. First Reading.

At the first reading of a bill, no vote shall be taken and no debate or amendment shall be in order. The bill shall be referred by the Chairman to the appropriate Committee unless reference shall be dispensed with a positive majority vote or unless the proposed bill shall have been introduced by a Committee.

3. Second and Third Readings.

Committee reports on a bill shall ordinarily be made at the next consecutive regular meeting following introduction and first reading. Second reading may be deferred until the next consecutive regular meeting of the Council following the Committee report. If the proposed bill is defeated on second reading, there shall be no third reading. At least one (1) day prior to the second reading of a bill, complete typewritten or printed copies of the text of the bill and the Committee report thereon shall be delivered to every Council Member, by title or in completed form. After all amendments and privileged motions are disposed of, all bills shall be given second reading by one motion as a collective group unless any member objects to second reading of any particular bill(s). If a member objects, the particular bill(s) shall be separated from the collective group and handled by a separate motion. After the bills have been given second reading, and following the Committee report, the bills shall be given third reading on a subsequent regular public or special meeting of Council and amendments may be proffered on third reading the same as on second reading. After all amendments and privileged motions, if any, are disposed of, the question shall be the passage of the bill and enactment as an ordinance with the full force of law accorded to the ordinance as presented. In those instances when a bill has received first and/or second reading and no formal action is taken regarding the bill at either the Committee or Council level within one (1) year from the last recognized action, the bill shall be considered withdrawn and must be reintroduced as a new item.

4. Adoption of Resolutions.

A resolution does not have the force and effect of law and may be adopted at any regular or special meeting of Council by majority vote of the Council Members present and voting. However, every resolution must upon introduction be referred to an appropriate Committee unless reference shall be dispensed with by a positive majority or unless the resolution was introduced by an appropriate Committee. If the resolution is referred to a Committee, a report of the Committee shall ordinarily be made at the next regular or special meeting and the resolution may be adopted by Council at that meeting or any subsequent regular or special meeting. Any resolution which is up for adoption may be amended. After all amendments and privileged motions, if any, are dispensed with, the question shall be the adoption of the resolution.

5. Codification.

All ordinances adopted by Council shall be compiled, indexed, codified, published by title and made available for public inspection at the office of the Clerk to Council. The Clerk shall maintain a permanent

record of all ordinances adopted and shall furnish a copy of such record to the Clerk of Court for filing in that office (§4-9-120).

Rule 9.8. Ordinances and Resolutions to be in Writing.

All proposed ordinances and resolutions shall be in writing, by title only or in completed form, either typed or printed, and in a sufficient number of copies for each Council Member to be provided with copies at the time of introduction. Upon introduction the Clerk to Council shall assign a bill number to each proposed ordinance. Upon adoption by Council, the Clerk to Council shall assign the bill an ordinance number.

Rule 9.9. Effective Dates of Ordinances and Resolutions.

The effective date of each ordinance or resolution passed by Council shall be on the date that the bill is given third reading and modified by title to become an ordinance or the date the resolution is adopted unless a different effective date of such ordinance or resolution is set out in the ordinance or resolution.

Rule 9.10. Ordinances and Resolutions to be Printed.

Annually, all ordinances and resolutions of the Council passed during the preceding twelve (12) months shall be printed and made available for public distribution through the office of the Clerk to Council (§4-9-120):

"All proceedings of Council shall be recorded and all ordinances adopted by Council shall be compiled, indexed, codified, published by title and made available to public inspection at the office of the Clerk of Council. The Clerk of Council shall maintain a permanent record of all ordinances adopted and shall provide a copy of such record to the Clerk of Court for filing in that office."

Rule 10. Annual Appropriations Ordinance [County Budget].

At or prior to the third regular meeting of the Council preceding the end of the County's fiscal year, the Committee on Finance shall introduce for first reading an appropriations bill which shall set forth in detail appropriations for all County purposes and activities during the ensuing fiscal year; and this bill, as it may be amended, shall be enacted by the Council prior to the commencement of such fiscal year and be established as the appropriations ordinance upon approval. The total of the appropriations under such ordinance shall not exceed the total of anticipated County revenue from all sources as projected by the Supervisor under the direction of the Committee on Finance.

Rule 10.1. Contingency Fund.

The annual appropriations ordinance shall include a "contingency fund" of no less than one (1%) percent of the total of anticipated County revenues from all sources as projected by the Council Chairman under this paragraph, to cover items of expenditures for which no express provision is made elsewhere in the ordinance.

Rule 10.2. Requested Budgets for Offices of Elected Officials.

Prior to the March regular meeting of Council, a requested budget for each of the countywide elected officials' office shall be delivered to the Clerk to Council for distribution to each Council Member.

Rule 11. Debate.

Debate is the discussion on the merits of a pending question to determine if the issue should be adopted or not. Debate shall be managed by the Chairman in an impartial manner. Council Members can participate in the debate only when they are recognized by the Chairman. Debate can be interrupted (*i.e.* a member may interrupt another member who has the floor), only to make a Motion to Adjourn, a Motion to Raise a Point of Privilege, a Motion to Raise a Point of Order, or a Motion to Convene an Executive Session. The Council Member making a motion is entitled to speak first; members who have not spoken on the issue shall be recognized ahead of those who have previously spoken.

No motion shall be debated until it has been stated by the Chairman, and properly seconded (if required). Any motion shall, if desired by the Chairman or any other member, be reduced in writing and delivered to the Chairman and other Council Members and read before it shall be debated. No person who is not a Member of the Council or Committee shall be permitted to speak without first being recognized by the Chairman or by a Member of respective Committee or Council without objection from any voting member or can be recognized by request of a simple majority of the voting body.

Rule 12. Conflicts of Interest.

No Council Member, or member of a County Board or Commission, may knowingly use his or her official office to obtain an economic interest for himself or herself, an immediate family member, or an individual or business with whom he or she is associated. Any member who, in order to discharge his or her official responsibilities, is required to take an action that affects the economic interest of any such person or business shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest. A copy of the statement shall be furnished to the Chairman of County Council, or other board or commission, as appropriate. The Chairman shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter in which the potential conflict of interest exists. The Chairman shall ensure that the disqualification and the reasons for it are noted in the minutes.

It is the responsibility of the individual member to notify the Chairman of the potential conflict and, once notification is made, to refrain from participating in the discussion, deliberation, and voting on the issue. It is generally expected that the member with the conflict shall leave the Council chambers while the issue is being discussed, deliberated, or voted upon, but the member may remain in the chamber if a quorum would be lost in his or her absence. If the Council Member remains in the chamber, the minutes should reflect this fact and should indicate a reason. Enforcement of this Rule is left to the individual member. The Chairman shall not require the member to leave the chamber, nor shall the Chairman prohibit the member from participating in the debate or in voting.

Rule 13. Main Motions.

In order for County Council to take official action on any subject, a Council Member must first propose a main motion. A proposed main motion shall not be recognized by the Chairman until another Council Member seconds the motion. A second does not require the Council Member seconding the motion to support the motion. A Council Member may withdraw a main motion that he or she has made at any time before the Council has voted on that motion.

Rule 14. Procedural Motions.

During the course of debate, Council Members may introduce procedural motions, which are limited to those specific motions described in Rules 15 through 18. Procedural motions are used to facilitate the orderly discussion of business before County Council. They limit but allow for interruptions and allow County Council to focus on one issue at a time. Procedural motions are divided into privileged, subsidiary, incidental and recall motions and are further described in Rules 15 through 18, respectively. Privileged motions and Points of Order do not require a second; all other incidental motions and all subsidiary and recall motions require a second.

Rule 15. Privileged Motions.

The five privileged motions are the highest ranking group of procedural motions, with the Motion to Adjourn having the highest precedence of the group. Only the Motion to Reconsider has higher precedence. Privileged motions can be made anytime; the Motion to Adjourn, the Motion to Raise a Point of Privilege and the Motion to Convene an Executive Session can interrupt another member who has the floor. When making one of these three motions, the Council Member should get the attention of the Chairman. The Chairman, interrupting anyone then speaking, recognizes the Council Member, who then states the motion.

Privileged motions require no second, cannot be reconsidered and, except for the Motion to Recede [Take a Recess], are not debatable. All privileged motions pass by simple majority. Specific characteristics of each privileged motion, listed in order of precedence, are set out below.

1. Motion to Adjourn.

An unqualified Motion to Adjourn is the highest ranking privileged motion and requires, if approved by a majority vote, that the meeting end immediately and reconvene at the next regularly scheduled or called meeting. As the highest ranking privileged motion, the Motion to Adjourn can be raised anytime, except when a vote is being taken or being counted. It can be interrupted only by the motion to reconsider; it can interrupt any person having the floor. The Motion to Adjourn cannot be amended, debated or reconsidered; it requires a majority for passage. Like all privileged motions, it does not require a second.

2. Motion to Recede [Motion to Take a Recess].

A recess is a short intermission, taken immediately upon passage. Following the recess, the meeting takes up at the same point where it was interrupted. The motion cannot be debated or reconsidered, but can be amended as to the duration of the recess; it requires a majority for passage. Also, the Motion to Recede is out of order if anyone has the floor or a vote is being taken or counted. Like the Motion to Adjourn, the Motion to Recede is privileged only if the recess is to be taken immediately; a Motion to Recede at some point in the future is a main motion. Like all privileged motions, it does not require a second.

3. Motion to Raise a Question of Privilege.

A Motion to Raise a Question of Privilege is a device to allow County Council to take up a matter for immediate consideration because of its urgency; it can interrupt any person having the floor. The motion cannot be amended, debated or reconsidered, but it can be appealed. It is generally ruled on by the Chairman, but a vote may be taken if the decision of the Chairman is appealed. If approved, what follows will be a main motion taken out of order. Generally there are two types of questions of privilege—questions relating to the privilege of County Council, a board or commission as a body, and questions of personal privilege. If the two come up together, a question of Council privilege should take precedence over a question of personal privilege. Like all privileged motions, it does not require a second.

4. Motion to Convene an Executive Session.

Executive sessions must be convened and conducted in accordance with the Freedom of Information Act and may be convened only for one or more of the specific reasons enumerated in the Act. A properly stated motion provides an appropriate reason for convening the executive session. If a valid reason is not stated, the Chairman may inquire or, if the reason is obvious, provide the reason when restating the motion. The reason for convening the executive session must be recorded in the minutes, in accordance with Rule 7. The motion may be amended and debated with regard to stating the appropriate reason or reasons for convening the session; however, it cannot be reconsidered. A public vote is required on the motion prior to convening the executive session; a majority vote is required for passage. The Motion to Convene an Executive Session can interrupt any person having the floor. Like all privileged motions, it does not require a second.

All meetings of Council shall be open to the public; however, Council may conduct executive sessions upon a public vote of a majority of the Council Members present and voting for the following purposes:

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, a student, or a person regulated by a public body, or the appointment of a person to a public body; provided, however, that if an adversary hearing involving the employee (other than under a grievance procedure §8-17-110) is held, such employee shall have the right to demand that the hearing be conducted publicly.
2. Discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending,

threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County or its departments or agencies in other adversary situations involving an assertion against the County or its departments or agencies.

3. Discussion regarding the development of security personnel or devices.
4. Investigative proceedings regarding allegations of criminal misconduct.
5. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

These purposes currently conform to the South Carolina Code of Laws (§30-4-70). If this code section is updated before the next review of these Rules, this section shall be superseded by the updated law. The Chairman shall, after a favorable vote to enter executive session, announce the purpose of the executive session. No formal action shall be taken in executive session. The County Attorney or individual designated by Council shall be in attendance in all Council executive sessions to provide guidance on compliance with restrictions listed above.

5. Motion to Follow the Agenda.

This motion is used to get a meeting back on schedule and is appropriate when the meeting has been allowed to digress or when a specific time scheduled for an item of business has arrived and the Chairman has failed to take notice. Once the motion is made, the Chairman must conform with the agenda or put the motion to a vote. The motion cannot be amended, debated or reconsidered; a positive majority vote is required to overrule this motion. Like all privileged motions, it does not require a second.

Rule 16. Subsidiary Motions.

The six subsidiary motions help deliberative bodies reach a decision on other pending motions, usually a main motion. Subsidiary motions are always applied to another pending motion. Three subsidiary motions – Motion to Amend, Motion to Limit/Extend Debate and Motion to Call for the Question [Motion to Vote Immediately] – can be applied to other subsidiary motions and the Motion to Amend can be applied to the Motion to Recede [Take a Recess], a privileged motion. All subsidiary motions are out of order when another person has the floor.

1. Motion to Lay on the Table [Motion to Table].

A Motion to Lay on the Table proposes that the consideration of a motion be postponed until a later time. It is an appropriate motion to take up a more pressing matter, out of order, and to return later to the tabled motion. The main motion can be brought back for consideration if a Motion to Recall is later passed by County Council. A motion that has been laid on the table will die if it has not been taken from the table by the close of the meeting following the meeting in which the motion was tabled. Amendments and debate are not allowed on a Motion to Lay on the Table and it cannot be reconsidered; it requires a majority vote for passage. The Motion to Lay on the Table is out of order if another speaker has the floor.

2. Motion to Call for the Question [Motion to Vote Immediately].

If passed, this motion cuts off debate and forces an immediate vote on the pending issue. The Motion to Call for the Question is neither debatable nor amendable, but it can be reconsidered up until a vote is taken on the called question. A positive majority is required for passage. The Motion to Call for the Question can be applied to any motion requiring a vote.

3. Motion to Limit/Extend Debate.

The Motion to Limit Debate and the Motion to Extend Debate change any time constraints placed on the length of debate. The details of such motions are to be provided by the Council Member making the motion. Either motion can be applied to any motion that is debatable (not just to main motions). Debate is

not allowed on either motion, nor can either be reconsidered. A positive majority vote is required for passage. The motions can be amended as to the length of the time limitation.

4. Motion to Postpone/Motion to Postpone to a Time Certain.

A Motion to Postpone and a Motion to Postpone to a Time Certain are appropriate when a Council Member believes that the pending main motion should not be considered until some point in the future. These motions are in order even though debate has already occurred on the main motion. The Motion to Postpone to a Time Certain sets a particular time for the main motion to be considered again, which may be later in the same meeting, at a future meeting or upon the occurrence of a specified event or the issuance of a necessary report. The motion is debatable, amendable as to the duration of postponement and can be reconsidered. If the motion sets the matter for a date and time certain, a positive majority is required for passage; if the motion does not set a specific time for consideration, it is referred to as a Motion to Postpone and only a majority vote is required for passage. If the motion is set for a time certain, the Chairman shall bring the motion back to County Council for further consideration at the specified time.

5. Motion to Commit [Motion to Refer to Committee].

The Chairman may refer any matter to a Committee. If the Chairman does not refer a matter to a Committee and a Council Member believes that further information or study is needed before the County Council can act on a matter, he or she may propose that it be referred to a Committee or to a particular office in County government for further study. If an appropriate Committee does not already exist, a special Committee can be formed as a part of the motion. A Motion to Commit may specify the date that the Committee or department will report back to the board. If a special Committee is formed, the Chairman shall appoint its members and its Chairman. This motion is debatable and can be amended as to where the motion is to be committed and the date and time that the Committee shall report back; it can be reconsidered. The motion requires a majority for passage.

6. Motion to Amend.

A Motion to Amend is used to make a change to a pending motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. A Motion to Amend can itself be amended, but the Motion to Amend an amendment cannot. These Rules are to be enforced by the Chairman.

In addition to main motions, some subsidiary motions and the Motion to Recede [Take a Recess], can also be amended. Debate is allowed on a Motion to Amend only if the original motion is debatable, and is limited to the proposed amendment. The Motion to Amend can be reconsidered. A majority vote is required to adopt an amendment. If the amendment is adopted, County Council shall then consider the amended version of the motion.

Rule 17. Incidental Motions.

Six incidental motions allow Council Members to appeal rulings by the Chairman, raise points of order, question precedence of motions and raise objections to consideration of matters that are incidental to the discussions at hand but do not directly relate to the main question under discussion. Incidental motions are in order only if they pertain to the motion then pending or to the business at hand. If the incidental motion is in order, it takes precedence over any other motions that are pending. Points of Order may interrupt another member who has the floor. Incidental motions have no rank among themselves; except as described below, they rank below the privileged motions and the Motion to Lay on the Table.

1. Point of Order [Motion to Raise a Question of Order].

The Point of Order takes precedence over any question from which it arose. It yields to any privileged motion and a motion to lay the underlying question on the table. The Point of Order is not debatable (except that the Chairman may ask the member raising the point to explain it), is not amendable, and cannot be reconsidered. It does not require a second. The Point of Order is in order when another person has

the floor and can interrupt a person speaking if the point genuinely requires attention at the time it is raised. Normally, the point is ruled on by the Chairman and no vote is taken, unless there is an appeal or the Chairman is in doubt.

2. Appeal.

The duties of the Chairman include making rulings on questions of parliamentary procedure. An Appeal is the vehicle available to Council Members who believe that the Chairman's ruling was erroneous. The Appeal is in order when another has the floor, but must be taken immediately after the ruling and is out of order if other business has intervened. It is debatable unless the underlying question is not debatable or if the Appeal relates to decorum or priority of business; it is not amendable.

The decision of the Chairman stands unless reversed by a majority of the members; Committee Chairmen may vote to create a tie and thus sustain their ruling and defeat the appeal but the Supervisor acting as Chairman of Council may only vote to break a tie (§ 4-9-410). An Appeal takes precedence over any pending question at the time the Chairman makes the ruling. It yields to all privileged motions, incidental motions arising from itself and, if debatable, to the following subsidiary motions: Motion to Limit/Extend Debate, Motion to Call for the Question [Vote Immediately], Motion to Commit, Motion to Postpone/Motion to Postpone to a Time Certain and the Motion to Lay on the Table. If debatable, each member may speak only once. An Appeal can be reconsidered.

3. Motion to Suspend the Rules.

The Motion to Suspend the Rules allows County Council to do something it could not ordinarily do without violating one or more of its regular Rules. The motion cannot be used to suspend a rule in violation of state or federal law, nor can the suspension violate a fundamental rule of procedural law.

A Motion to Suspend the Rules can be made anytime there is no question pending. When a matter is pending, this motion takes precedence over any other motion if it applies to the pending matter of business. No subsidiary motion can be applied to this motion. It is out of order when another Council Member has the floor; it is not debatable, not amendable and cannot be reconsidered. It requires a positive majority vote for passage.

4. Motion to Divide the Question.

The Motion to Divide the Question allows members of County Council to require a question dealing with a single subject to be divided into parts and to have each part considered and voted on separately, but only if each part is capable of standing alone. This motion is not debatable, cannot be reconsidered and requires a majority vote for passage. It is amendable only with regard to how the question should be divided.

This motion is out of order when another has the floor. It takes precedence over the main motion. If applied to an amendment, it takes precedence over the amendment, but it cannot be made to the underlying matter with an amendment pending. It yields to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit/Extend Debate.

5. Motion to Consider by Paragraph/Motion to Consider by Section.

Motions to Consider by Paragraph or to Consider by Section allow County Council to break down complex proposals into their component parts and to consider, debate and amend each paragraph or section separately. This procedure can be applied by the Chairman on his or her own initiative or by the County Council following the adoption of a motion by any member.

These motions are not debatable, cannot be reconsidered and require a majority vote for passage. They are amendable only with regard to how the question should be divided. These motions are out of order when another has the floor. They take precedence over the main motion. If applied to an amendment, they take precedence over the amendment, but cannot be made to the main motion with an amendment pending. They yield to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to Amend and Motion to Limit/Extend Debate.

6. Requests and Inquiries.

From time to time, Council Members may need additional background information or may wish to provide such information, so that the Council can understand better the issue under discussion. Requests and inquiries provide the vehicle for exchanging this information. Parliamentary Inquiries and Points of Information may interrupt another who has the floor, but only if the matter requires immediate attention. Requests and inquiries are not amendable, debatable or subject to reconsideration. No votes are taken on Parliamentary Inquiries or Points of Information; other requests/inquiries require a majority vote for passage, except that reading of papers requires unanimous consent. All share similar characteristics and procedural requirements and can be subdivided into the following categories:

A. Parliamentary Inquiry.

Such inquiries are always directed to and answered by the Parliamentarian and in absence of the Parliamentarian are directed to and answered by the Chairman. This inquiry is used to clarify specific parliamentary or organization Rules that have bearing on the issue at hand. The Parliamentarian shall issue an opinion only and it will have no effect unless the Chairman Rules in favor of the opinion. If the Chairman Rules and chooses to ignore the opinion of the Parliamentarian, then the members can redress by appeal (Rule 17-2)

B. Point of Information.

This inquiry is addressed to the Chairman or to another member through the Chairman, for information relevant to the business at hand, but not related to parliamentary procedure.

C. Any Other Privilege.

Examples of other privileges include requesting to address the Council on a personal or nonbusiness matter or, if there is no motion pending, requesting to make a presentation.

Rule 18. Recall Motions.

Two recall motions allow issues that have been previously disposed of or assigned to a Committee to be brought back to the County Council as a body.

1. Motion to Reconsider.

The Motion to Reconsider allows County Council to debate whether or not to overturn a decision made at the meeting that is in progress or at the immediately preceding meeting; provided, however, that third reading to an ordinance may be reconsidered only at the same meeting in which the third reading was adopted or failed. Furthermore, if the matter to be reconsidered was the adoption of a resolution that has already been published or acted upon, the motion is out of order. The Motion to Reconsider allows County Council to consider new information that may affect the decision that has already been made. Any Council Member who voted on the prevailing side can make a Motion to Reconsider. The motion is debatable if the matter to be reconsidered is debatable, but it cannot be amended. A majority vote is required for the motion to pass. The Motion to Reconsider, itself, cannot be reconsidered. If the Motion to Reconsider is agreed to, the original decision shall be voided and the County Council shall return to debate and vote again on the original motion.

Subject to the time restriction indicated above, the Motion to Reconsider can be made at any time, taking precedence over any other motion and yielding to nothing. The Motion to Reconsider is out of order when another person has the floor. Once the Motion to Reconsider is made, the consideration of the motion takes the priority of the motion to be reconsidered, but has precedence over any new motion of equal rank. A Motion to Reconsider temporarily suspends any action growing out of the motion to be reconsidered. If the Motion to Reconsider is made but not considered immediately, any member can call

up the motion by bringing it to the attention of Council at any time consideration of the motion would be in order.

2. Motion to Recall from the Table/Motion to Recall from Committee.

The Motions to Recall from the Table and to Recall from Committee allow the County Council to consider a question that has been laid on the table or that has been assigned but not yet reported out of Committee. These motions take precedence over nothing and must be made when no other business is pending. The motions are not debatable or amendable. A tabled motion that is not recalled by the close of the meeting following the meeting in which it was tabled is dead. A majority vote is required for passage of either motion.

Rule 19. Officers and County Council Department.

The Council shall elect a Vice-Chairman and such other officers as it may deem necessary for terms as hereinafter set forth at the organizational meeting of the Council in January following each General Election.

1. Chairman.

The Chairman shall preside at all regular, special, and organizational meetings of the Council; shall execute, on behalf of the Council, all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents; and shall have such other duties and perform such other functions as are set forth in these Rules.

2. Vice-Chairman.

At the organizational meeting in January following each General Election, the Council shall elect one of its members to serve as Vice-Chairman for a two-year term; in the event that the Chairman shall be temporarily absent or unable to serve, the Vice-Chairman shall serve in the Chairman's stead. In the event the Vice-Chairman should assume the Chairmanship, he or she shall retain the right to vote on matters brought before the Council. The Vice-Chairman's responsibilities shall include review of County Council Department's budget as prepared by the Clerk to Council, shall act as a liaison between Members of Council and the Clerk to Council, shall coordinate the Clerk to Council's annual performance review, and those additional activities enumerated in these rules.

3. Clerk.

The Council shall appoint a person, not a Council Member, to serve as Clerk to County Council for an indefinite term. The Clerk to County Council responsibilities shall include but are not limited to:

- a. Record County Council's proceedings (§ 4-9-110);
- b. Direct the day to day operations of the County Council Department;
- c. Interview/hire for any open positions in County Council Department;
- d. Attend quarterly meeting in the Supervisor's office;
- e. Supervise the staff of the County Council Department;
- f. Prepare an annual budget with input from the Vice Chairman;
- g. Coordinate development and training of the County Council Department staff;
- h. Conduct performance reviews and resolve all employee relations issues within the County Council Department;
- i. Administer the budget of County Council Department.
- j. Perform such additional duties as the council may prescribe (§ 4-9-110).

Any change in the Clerk to County Council's status, level of authority, responsibilities or compensation shall take a positive majority vote of Council.

4. Parliamentarian.

The Vice-Chairman shall appoint a person to serve as Parliamentarian for an indefinite term. The Parliamentarian shall issue opinions of the Berkeley County Organizational and Parliamentary Procedure Rules when inquired by Council Members (Rule 17-6-A). The Parliamentarian's opinion shall hold no binding effect. The Chairman is free to rule against the opinion of the Parliamentarian and Council may vote to appeal the opinion of the Chairman (Rule 17-2).

Rule 19.1 County Council Department.

Council shall appropriate funds annually to cover salaries of Clerk to County Council and staff of the County Council Department, in addition to benefits and any and all costs associated with operating the office (§ 4-9-420-11-12). The County Council Department's duties shall include but are not be limited:

1. All responsibilities enumerated to the appointed Clerk to Council in Rule 19-3;
2. Record and permanently index all proceedings, ordinances and resolutions of Berkeley County Council;
3. Prepare and distribute notices and agendas for all County Council meetings;
4. Maintain County Council calendar;
5. Have representative attend all County Council meetings and proceedings;
6. Record and transcribe minutes of all County Council meetings and proceedings;
7. Confirm on the record that each and every scheduled and called meeting has been appropriately noticed per Freedom of Information Act regulations;
8. Codify county ordinances;
9. Implement and maintain a records management schedule for the department
10. Maintain information pertaining to appointments and terms of members of boards and commissions;
11. Maintain a good working knowledge of County Council Rules and Procedures as well as Parliamentary Procedure Rules;
12. Respond to public information requests, inquiries and complaints;
13. Schedule appointments and travel for County Council Members;
14. Render assistance to Council Members in preparation of reports, recommendations, ordinances, resolutions, directives and correspondence; and
15. Perform such additional duties as the Council may prescribe (§ 4-9-110).

Any change in the County Council Department's status, level of authority, responsibilities or operations shall take a positive majority vote of Council.

Rule 19.2. County Council Annual Performance Review of Clerk to Council.

As the Clerk to Council is appointed by County Council, each Council Member is entitled and encouraged to participate in the Clerk to Council's annual performance review. The Vice Chairman of Council shall be responsible for coordinating the review process. The Vice Chairman shall provide each Council Member with a Performance Review Questionnaire and Feedback Form. The Vice Chairman shall give Council Members a clear deadline for the submission of the completed and signed form. The deadline date shall be no earlier than five (5) days after the delivery of the form to the Council Member. The Vice Chairman shall then conduct the performance review with the Clerk to Council. A copy of all timely submitted Performance Review Questionnaire and Feedback Forms shall be retained in the Clerk to Council's personnel file.

Rule 20. Seating.

The Vice-Chairman and the Finance Committee Chairman shall each sit immediately next to the Council Chairman, one on either side, with the Council Chairman in the center chair on the dais. In succeeding

years, as other Council Members become either the Vice-Chairman or the Finance Committee Chairman, they shall then exchange seats with the departing Vice-Chairman and/or Finance Committee Chairman. Seating for remaining Council Members shall be determined by the Vice-Chairman with input from the Council Members.

Rule 21. Committees.

The Council shall be comprised of eight (8) standing Committees and such other Committees as may be appointed from time to time by the Council with the consent of a simple majority of Council Members. The Council shall determine the standing Committees, the title, scope, function, and interrelationship of each. The standing Committees shall be determined during the biannual organizational meeting of Council. A majority vote of the Council Members present and voting shall determine the standing Committees. Also, by majority of those Council Members present and voting shall elect the Chairman of each standing Committee. Each Council Member shall serve as Chairman of one standing Committee and shall serve as a member on the remaining seven (7). Chairmen of Standing Committees shall serve for a term of two (2) years.

Rule 21.1. Committee Meetings.

Committee meetings shall be governed by the same Rules as previously set out in this document, unless in conflict with the specific Rules set out herein. Committees shall meet at least once per calendar quarter, but may meet more often as needed. Committee meetings shall be held on the call of the Chairman upon three (3) days notice of such meeting to each Committee member, provided, however, upon call of the Chairman with consent of a majority of members of the Committee a meeting may be held provided twenty-four (24) hours notice is given. Materials relating to particular items as set out on the agenda shall be submitted prior to the meeting so that all Committee members may have the opportunity to review all pertinent information prior to the actual meeting. This provision should be complied with in all instances except where certain constraints make it impossible to adequately provide members with copies of information prior to the set meeting time. The Committee Chairman shall have the power to appoint a current Committee Member as the Committee Vice Chairman at his or her discretion. If the Committee Chairman is unable to attend a meeting after it has been called, the Committee Vice Chairman shall act as Chairman in their absence. If the Committee Chairman chooses not to appoint a Committee Vice Chairman then he or she shall appoint another member of the Committee to be acting Chairman for that meeting only. **An acting Chairman shall retain the right to vote on matters brought before the Committee.** A quorum of each standing Committee shall consist of a simple majority of its members, such members to include the Chairman of the Committee. Each Committee Member, except the Committee Chairman, has the right to vote on any matter before the Committee for which a vote is required. The Committee Chairman may only vote to break a tie vote and in the case of an appeal where he can vote to create a tie thus defeating the appeal (Rule 17-2). All Committee reports and recommendations shall be delivered to the Chairman of the Council by the Chairman of such Committee for presentation to the Council at its next regularly scheduled meeting or special meeting.

Rule 21.2. Chairman of Council Shall be Non-voting Ex Officio Member of Standing Committees.

The Chairman of the Council shall serve as a non-voting, ex-officio member of all standing Committees.

Rule 21.3. Representation of Standing Committee on Committee on Finance.

Each Council Member shall represent his or her standing Committee on finance and budgetary affairs relating thereto at meetings of the Committee on Finance.

Rule 22. Boards and Commissions.

Council shall attempt to balance the need for broad geographical representation, professional experience and concerned citizen interest when nominating citizens to serve on all current and future boards and commissions. Council shall also insure that the meetings of the boards and commissions shall be conducted in such a way to promote transparency and public accessibility. In order to assure and implement

these goals, all current and future boards and commissions, when not specifically prohibited by law or ordinance, shall be structured based on the following guidelines:

1. Have a minimum of eight but not more than sixteen members;
2. May have one and not more than two appointees from each Council district;
3. Certain boards and commissions allow each Council Member to nominate one individual to represent his or her district. While the nominee is not required to reside in the Council Member's district the nominee must reside within the County and is subject to Board and Commission Rule 2 above;
4. At the time of the creation of the board or commission, its duties and responsibilities shall be delineated by ordinance of Council;
5. Council may establish citizens' advisory Committees to review and advise on the scope and function of current and future boards and commissions;
6. Members cannot appoint or reappoint members until after that member's term has expired or the position has a vacancy;
7. When practicable Issues requiring Council action regarding the Berkeley County Library System, the Berkeley County Airport or the Berkeley County Rural Fire Departments shall first be presented to the Berkeley County Library Board, the Berkeley County Aeronautics Commission or the Berkeley County Rural Fire Department Board respectively for recommendation before being presented to Council;
8. A set of Board and Commission Rules and Parliamentary Procedure Rules shall be adopted by Council to be used by all County boards and commissions whose members are appointed or recommended for appointment by County Council;
9. Public notice of each meeting for County boards and commissions whose members are appointed or recommended for appointment by County Council must be posted on a bulletin board at the meeting place or other suitable place and on the Berkeley County website, as early as practicable, but not less than twenty-four hours prior to each meeting. The notice must include the agenda (if any), and date, time, and place of the meeting; and
10. Each board or commission member's name, mailing address, phone number and/or email address and term expiration date shall be posted on the Berkeley County website.

Rule 23. Reimbursement of Expenses.

Rule 23.1. Reimbursement to Council Members.

County Council Members are entitled to be reimbursed for expenses incurred for any Council related travel, training and/or dues, fees and other discretionary expenses as allowed by Berkeley County Personnel Policies and Procedures Manual.

Rule 23.2. Reimbursement to the County.

If the County pays for the costs of a member to attend a conference, seminar or meeting, and the member fails to attend for reasons not related to County business, the member may be required to reimburse the County for the costs. If meal per diem is advanced to a member and the member does not utilize the meal per diem, either because a meal is provided from another source or the member does not attend the event for the entire duration, the member may be required to reimburse the County the meal per diem.

Rule 23.3. Council Member Expense Reports.

Each individual Council Member's expense request report shall be made available for public viewing on the Berkeley County website as soon as practicable.

Rule 24. Professional Services Budget.

Council at its discretion can create a Professional Services fund as part of the budget of the Office of County Council. This fund shall be administered by the Clerk to Council and shall be used to hire independent

outside consultants as needed (e.g. attorneys, auditors, etc...). Use of these funds shall require a majority vote of Council.

Rule 25. Enforcement of Rules.

Council has the right to enforce its Rules and expect ethical and honorable conduct from its members.

Rule 25.1. Calling a Member to Order.

In such times when a member violates the Rules, it is the Chairman's responsibility to politely and firmly remind the member of proper Rules of order. If the member continues to willfully violate the rules and ignore the plea of the Chairman or, the Chairman can call the member out of order and instruct the Clerk to note the behavior in the record.

Rule 25.2. Calling a Chairman to Order.

In such times when the Chairman violates the Rules, a Council or Committee Member may politely remind the Chairman of proper Rules of order by requesting a Point of Order (Rule 17-1). If the Chairman rules against the member's Point of Order, then the member may Appeal (Rule 17-2). If the Chairman continues to willfully violate the rules and ignore the Point of Order or the successful ruling of the Appeal, the member can call the Chairman out of order and instruct the Clerk to note the behavior in the record.

Rule 25.3. Penalizing a Member.

The Chairman cannot impose a penalty on a member. A Council Member can make a motion to penalize another member (including the Chairman) only after that member has been ruled out of order and the behavior has been noted in the record. The Council Member making the motion must include in the motion the reason(s) for the motion and proposed penalty. The motion must receive a positive majority vote of Council Members for approval. Penalties, when not specifically prohibited by law or ordinance, may include but are not limited to:

1. A motion that the member apologize;
2. A motion to censure the member; and
3. A motion that the member leave the chamber during the remainder of the meeting.

Rule 26. Amending Rules.

Amendments to these Rules shall require a positive majority vote of Council.